

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

IN RE:

ALICIA L. CATHEY

NO. 15-11733 JDW

MOTION FOR RELIEF FROM AUTOMATIC STAY

Comes now NCEP, LLC (hereinafter "NCEP"), by and through its counsel of record, Byrd & Wiser, and files this its Motion for Relief from Automatic Stay, pursuant to Section 362 of the Bankruptcy Code, and in support of same would show unto the Court the following, to-wit:

I

The Debtor filed her Chapter 13 Petition on or about May 14, 2015.

II

This Court has jurisdiction pursuant to 28 USC Section 1334. The instant matter is a core proceeding pursuant to 28 USC Section 157(b)(2).

III

That NCEP is the holder of a secured claim as to certain personal property of the Debtor, namely one (1) 2008 Ford Mustang, VIN 1ZVHT84N185183743, all as more fully set forth on Exhibit "A" which is attached hereto and incorporated herein by reference.

IV

That NCEP is owed the principal sum of \$14,565.07, exclusive of accumulating late charges and reasonable attorney's fees necessitated by the filing of the instant Motion.

V

NCEP would show unto the Court that the Debtor filed a Motion to Modify to abandon NCEP's collateral (DK#41), which Motion was granted pursuant to this Court's Order dated June 1, 2016 (DK#42).

VI

NCEP would furthermore show unto the court that the Debtor has failed and refused to maintain insurance on the subject matter vehicle duly naming NCEP as lien holder and loss payee as required by the parties' Retail Instalment Sale Contract.

VII

Adequate cause exists for termination of the Automatic Stay pursuant to Section 362(d) of the Bankruptcy Code as to the Movant, NCEP.

WHEREFORE, premises considered, NCEP would pray that after notice and hearing this Court enter its Order terminating the Automatic Stay of Section 362 of the Bankruptcy Code as to the Movant, NCEP, so as to allow it to pursue its rightful remedies as to its subject matter collateral, and that this Court furthermore enter its Order abandoning the subject matter vehicles as property of the estate, and NCEP furthermore prays that it be awarded its reasonable attorney's fees necessitated by the filing of the instant motion and NCEP prays for such other and further relief as is just and proper in the premises.

Respectfully submitted,

NCEP, LLC, as successor in interest to
Santander Consumer USA Inc.

BY: BYRD & WISER

BY:


ROBERT ALAN BYRD

CERTIFICATE

I, ROBERT ALAN BYRD, Attorney for NCEP, LLC, by AIS Data Services, LP, successor in interest to Santander Consumer USA Inc., do hereby certify that I have this date transmitted via Electronic Case Filing, as it appears on this date in the court registered e-filers of CM/ECF and/or via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing Motion for Relief from Automatic Stay to the following:

Robert Gambrell, Attorney for Debtor, at **rg@ms-bankruptcy.com**

Locke Barkley, Trustee, at **sbeasley@barkley13.com**

Office of the U.S. Trustee, at **USTPRegion05.JA.ECF@usdoj.gov**

WITH A COPY MAILED TO:

Alicia L. Cathey, Debtor
6330 Sandbourne East
Olive Branch, MS 38654

This the 21st day of March, 2017.


ROBERT ALAN BYRD

CERTIFICATE OF TITLE

Form 79-001-05-7-1-000

STATE OF MISSISSIPPI

ORIGINAL

VEHICLE IDENTIFICATION NUMBER

MAKE

YEAR

MODEL

BODY

TITLE NUMBER

1ZVHT84N185183743

FORD

2008

MUS

CV

F079274-01

TITLE DATE

DATE OF FIRST SALE
FOR USE NEW ONLY

06

NO. CYL

NEW / USED

PASS
TYPE OF VEHICLE
OR GVW

12292008

X PASS

000

ODOMETER - TENTHS NOT INCLUDED

013468

ACTUAL MILEAGE

OWNER

CATHEY, ALICIA
6330 EAST SANDBOURN
OLIVE BRANCH MS 38654

1ST LIENHOLDER (OR OWNER IF NO LIEN)

DATE:

MONTH | DAY | YEAR

10/15/2008

DRIVE FINANCIAL SERVICES
P.O. BOX 560583
DALLAS TX 75356

2ND LIENHOLDER

DATE:

MONTH | DAY | YEAR

LIEN SATISFACTION: THE UNDERSIGNED HOLDER OF ABOVE DESCRIBED LIEN(S) ON THE MOTOR VEHICLE DESCRIBED HEREON HEREBY ACKNOWLEDGES SATISFACTION THEREOF.

1ST LIEN

(LIENHOLDER)

BY

(SIGNATURE AND TITLE)

THIS

DAY OF

20

2ND LIEN

(LIENHOLDER)

BY

(SIGNATURE AND TITLE)

THIS

DAY OF

20

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS

20 DAY OF DECEMBER 20 08

CONTROL NUMBER

16 977 1

STATE TAX COMMISSION

Joyce L. Blount

The Mississippi State Tax Commission hereby certifies that on application duly made, the person named herein, is registered by this office as the lawful owner of the vehicle described subject to the liens of security interests as may subsequently be filed with the State Tax Commission. This certificate of title is issued pursuant to the Mississippi Motor Vehicle Title Law Section 63-21-1, Mississippi Code of 1972, and subject to the provisions thereof.

VOID IF ALTERED

EXHIBIT "B"
BILL OF SALE AND ASSIGNMENT

Santander Consumer USA Inc. ("Seller"), for value received and pursuant the terms and conditions of the Financial Assets Sale Agreement, Effective Date of 26 August 2013, with a Closing Date being the same, between Seller and NCEP, LLC (NCEP "Buyer"), its successors and assigns ("Financial Assets Sale Agreement"), hereby assigns effective as of the Closing Date:

(a) all rights, title and interest of Seller in and to those certain receivables, judgments or evidences of debt described in the Financial Assets Sale Agreement and Financial Asset Schedule (attached hereto as Exhibit "A") attached hereto and made part hereof for all purposes, and

(b) all principal, interest or other proceeds of any kind with respect to the Financial Assets described on the Financial Asset Schedule, but excluding any payments or other consideration received by Seller on or prior to the Cut-off Date.

Pursuant to the foregoing assignment, the Seller stipulate that Buyer may be substituted for Seller as the valid owner of the Accounts and hereby waives any notice or hearing requirements imposed by Bankruptcy Rule 3001 (e) (2) or otherwise.

SANTANDER CONSUMER USA INC.

By: Jason Grubb
Name: Jason Grubb
Title: COO

STATE OF TEXAS)
)
COUNTY OF DALLAS)

Sworn before me this twenty-sixth (26th) day of August, the year of our Lord, two thousand & thirteen (2013).



Christie Howard
(Notary Stamp & Signature)

My commission expires: 9/28/2017

AGD